

MINUTES OF THE MEETING  
OF THE  
BOARD OF MEDICINE AND SURGERY

May 19, 2006

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Michael Sitorius, MD at 9:00 a.m. on Friday, May 19, 2006, at Staybridge Suites, Staybridge Room, 2701 Fletcher Ave, Lincoln, Nebraska. The following members answered to roll call:

Michael A. Sitorius, MD, Chairman  
David A. Dryburgh, Vice-Chairman  
Larry E. Bragg, MD  
Samuel L. Brown, PhD  
Randy T. Kohl, MD  
Vonn E. Roberts, MD  
Arthur A. Weaver, DO

Absent: Carl V. Smith, MD, Secretary

A quorum was present and the meeting convened.

Also present to participate in the meeting: Terri Nutzman, Assistant Attorney General; Michael Grutsch, Program Manager, Investigations Division; Robert Semerena, Investigations Division Administrator; Susanne Rydberg, Investigator; Patricia Lemke, Investigator; Sharon Fitts, Investigator; Jeff Newman, Investigator; Becky Wisell, Section Administrator, Credentialing Division; Vicki Bumgarner, Credentialing Coordinator; Credentialing Division; Meegan Dyrland, Credentialing Specialist, Credentialing Division.

Robert Leopold, Deputy Director, Health & Human Services Regulation and Licensure addressed the Board regarding the new process for complaint review which Investigations Division is implementing. This plan was devised to expedite and make the screening process more efficient so cases are reviewed sooner and given needed prioritization. This new process will be evaluated after three months to make sure it is serving its purpose. Leopold would like to come back at the first board meeting after the three month trial period to review the information with the Board.

ADOPTION OF AGENDA

Bragg moved, seconded by Dryburgh, to adopt the agenda. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

APPROVAL OF MINUTES OF THE MEETING FROM APRIL 7, 2006

Bragg moved, seconded by Dryburgh, to approve the minutes of the April 7, 2006 meeting. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

INVESTIGATIONAL REPORTS

Kohl moved, seconded by Roberts, to go into closed session for the purpose of hearing investigational reports. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried and the meeting went into closed session at 9:28 a.m.

Sitorius recused himself at 10:15 a.m.

Sitorius returned to the meeting at 10:33 a.m.

Bragg recused himself at 10:44 a.m.

Bragg returned to the meeting at 10:58 a.m.

Bragg recused himself at 11:27 a.m.

Bragg returned to the meeting at 11:31 a.m.

The meeting returned to open session at 12:48 p.m.

#### PHYSICIAN APPLICATION REVIEW & DISPOSITION

##### Initial Licensure

Cam Enarson MD-Roberts moved, seconded by Bragg, to approve issuance of a license to Enarson. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Marcos A. Iglesias, MD-Roberts moved, seconded by Dryburgh, to approve issuance of a license to Iglesias. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Jeffrey Luther, MD-Dryburgh moved, seconded by Brown, to table this application until further information can be obtained. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Sitorius recused himself at 1:05 p.m.

Sara Hernberg, MD-Weaver moved, seconded by Kohl, to issue a probationary license to Hernberg because she has been diagnosed with alcohol dependence. The statutory basis for the recommendation of probation is Neb. Rev. Stat. 71-147(3). The term of probation would be for five years with the conditions to include that Hernberg must follow the recommendation of the Board-appointed psychiatrist who evaluated her, have a support group sponsor, attend at least one meeting of a support group meeting each week, be subject to body fluid screens, and all the other usual conditions that are assigned for a licensee with alcohol dependence. Voting aye: Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Sitorius, Smith. Motion carried.

Sitorius returned to the meeting at 1:07 p.m.

Guy Williams, MD-Bragg moved, seconded by Dryburgh, to approve issuance of a license to Williams. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Richard Tempero, MD-Roberts moved, seconded by Dryburgh, to approve issuance of a license to Tempero. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Mustafa Ovacik, MD-Kohl moved, seconded by Dryburgh, to approve issuance of a Locum Tenens Permit to Ovacik. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Ted Triggs, DO-Dryburgh moved, seconded by Bragg, to approve issuance of a license to Triggs. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Kathleen Gannon, DO-Weaver moved, seconded by Roberts, to approve issuance of a locum tenens permit and a license to Gannon pending completion of each application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Ray House, MD-Roberts moved, seconded by Kohl, to table this application pending completion of his application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Karen Endacott MD-Dryburgh moved, seconded by Kohl, to issue a probationary license to Endacott pending her provision to the Department of the name of a Nebraska support group sponsor, the location(s) at which she plans to attend support group meetings in Nebraska and the name of a Nebraska physician who agrees to act as her practice monitor. The reason for the probationary conditions are Endacott's conviction of Driving Under the Influence which occurred May 28, 2005; action by the Vermont Board of Medicine; and a diagnosis of "alcohol abuse rule out dependence". The statutory basis for the probation is Neb. Rev. Stat. 71-147(3) (4) and (9). The term of the probation would be for five years with the conditions to include those of the Vermont probation and the other usual conditions assigned to probationers with similar circumstances. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Andrew Mills, MD-Dryburgh moved, seconded by Bragg, to issue a probationary license to Mills because of misrepresentation of material facts on his application for a temporary educational permit submitted in June, 2004. Although Mills indicated on his application for a license to practice medicine and surgery signed on March 10, 2006 that he had two incidents of charges for Driving Under the Influence, with at least one conviction of Driving Under the Influence, Mills did not reveal this on his application for a temporary educational permit. The statutory basis for this recommendation is Neb. Rev. Stat. 71-147(1) and (10). The term of probation would be for six months, with the condition that Mills must complete a course in medical ethics as approved by the Board. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Kristen Olsen – application for a Temporary Educational Permit-Dryburgh moved, seconded by Bragg, to issue a probationary temporary educational permit to Olsen because she has a history of mental illness, with the statutory basis of Neb. Rev. Stat. 71-147(7). The term of the probation would be for one year and the conditions of probation would be to notify the Department of the name of her treating psychiatrist, that she should remain in treatment with a psychiatrist, have the psychiatrist submit quarterly reports, have her program director submit quarterly reports, and other usual conditions assigned for similar circumstances. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Steven Hart – application for a Temporary Educational Permit -Roberts moved, seconded by Kohl, to approve issuance of a temporary educational permit to Hart upon completion of his application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Brent Henriksen – application for a Temporary Educational Permit -Kohl moved, seconded by Bragg, to approve issuance of a temporary educational permit to Henriksen. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Kyle Ulveling – application for a Temporary Educational Permit-Bragg moved, seconded by Kohl, to approve issuance of a temporary educational permit to Ulveling upon completion of his application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

John Chunga, MD-Bragg moved, seconded by Dryburgh, to approve issuance of a Locum Tenens permit to Chunga. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Joleen Falkenburg, MD-Dryburgh moved, seconded by Brown, to approve issuance of a license to Falkenburg. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

#### Reinstatement

Nancy Hicks, MD-Hicks' license was placed on probation February 15, 2005 for a period of two years. The Agreed Settlement specified that an early termination of the probation may be ordered by the Director, no sooner than one year after commencement of the probation term, upon written application by Hicks. Hicks had submitted a Petition for Reinstatement of License Following Disciplinary Action requesting early termination of probation. Dryburgh moved, seconded by Kohl, to approve reinstatement

without probationary conditions for Hicks' license. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Guy Giroux, MD-reinstatement after more than one year since revocation for non-payment of renewal fees. Kohl moved, seconded by Dryburgh to reinstate the license for Giroux. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

Benjamin Huang, MD-reinstatement after more than one year since revocation for non-payment of renewal fees. Bragg moved, seconded by Kohl, to reinstate the license for Huang pending completion of the application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

#### PHYSICIAN ASSISTANT APPLICATION REVIEW & DISPOSITION

##### Request to Supervise a Third Physician Assistant

Robert Saniuk, MD-request to supervise a third PA, Lorin Ferguson. Dr. Saniuk is currently certified to supervise two physicians. Kohl moved, seconded by Dryburgh to approve the application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

##### Reinstatement of Physician Assistant License

Mary Sheridan, PA-reinstatement after more than one year since revocation for non-payment of renewal fees. Kohl moved, seconded by Dryburgh to reinstate the license for Sheridan. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Weaver. Voting nay: None. Absent: Smith. Motion carried.

#### DISCIPLINARY INFORMATION – ACTIONS TAKEN & PENDING

The Board reviewed the actions taken and pending since the last meeting.

#### LEGISLATION

##### 2006 Update

Wisell presented final updates regarding legislation for the 2006 session.

LB 833-The Bill regarding consultation by out of state physicians passed on March 13, 2006.

LB 1163-The Bill on the statute of limitations for malpractice did not move from the general file.

LB 1260 – the Bill that would modify the Hospital Medical Liability Act did not move forward.

##### Uniform Licensing Law Rewrite and Practice Act Changes

Wisell reviewed with the Board the latest modifications made at the Board's direction to the draft of revisions to the Medicine and Surgery Practice Act that will be proposed for future legislation. She indicated that September is the last deadline for changes to be submitted for both the Uniform Licensing Law Rewrite and Practice Act Changes.

Board of Medicine and Surgery  
Minutes of the Meeting  
May 19, 2006  
Proposals for Legislation in 2007

The deadline is June for any proposals that the Board would have for inclusion in Department legislation for the 2007 Legislative session. Wisell asked that any members that have suggestions send them to her as soon as possible.

2006 FSMB ANNUAL MEETING

The topic of Federal Credential Verification Service (FCVS) was discussed at the Federation of State Medical Boards annual meeting among attendees. FCVS use is not currently accepted in Nebraska but will be included in the next change in regulations.

A representative from the Federation of State of Medical Boards visits each state board approximately every 3-5 years. Dale Austin, Senior Vice President/Chief Operating Officer, has indicated he would like to come to one of the Board's meetings this year. The Board decided they would like him to come in either September or November.

PAPERLESS MEETINGS

Wisell indicated that she had a meeting scheduled next week with Information Systems and Technology to discuss technology that can be used to implement the Board's needs for paperless meetings. The Board discussed that they would like to purchase the PENTAB computers. When approved, this purchase would occur sometime after the new fiscal year starts in July 2006.

FINANCIAL REPORT

The Board reviewed the status of the budget as of March 31, 2006.

Kay Kahla and the Board discussed the first newsletter of the Board to be sent late summer or fall.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:26 p.m.

Respectfully submitted,



Carl V. Smith, MD, Secretary  
Board of Medicine and Surgery